

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Nadine BURTON et al.)	Confirmation No.: 8062
)	
Application No.: 10/712,265)	Group Art Unit: 3761
)	
Filed: November 14, 2003)	Examiner: I. Treyger
)	
For: MEDICAL VACUUM ASPIRATION)	
DEVICE HAVING REMOVABLE)	
VALVE HOUSING (as Amended))	

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Office Action dated June 9, 2009, rejecting claims 1-15 and 17-28.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 2,350.00	\$1,175.00

Please charge Deposit Account No. 50-0310 in the amount of \$555.00 for three-month extension of time fee.

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 41.20(b)(1)

- ☒ The Commissioner is authorized to charge the appeal fee of \$270.00 to Deposit Account No. 50-0310.

3. Fee Payment

- ☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of \$270.00 for the Notice of Appeal fee, and \$555.00 for a three-month extension of time fee for a total of **\$825.00**.

4. Constructive Petition

- ☒ **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 9, 2009

/John D. Zele/

John D. Zele

Registration No. 39,887

CUSTOMER NO. 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

202-739-3000